

GOVERNMENT OF ANDHRA PRADAESH
ABSTRACT

P.S- Panchayat Raj & Rural Development Department- Sri.M.Venkataiah, EO, Gram Panchayat, Ghatkesar Ranga Reddy District (Now retired)- ACB Trap- conviction - Appeal in High Court- set aside the conviction and sentence- withholding of pension/ provisional pension from 24-01-2001 to 09-12-2005 – APAT orders dated 05-11-2008 in OA No.715/2007- promotion to the post of EO and regularization of suspension period as duty – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.IV) DEPARTMENT

G.O.Rt.No. 1838

Dated:13-12-2011.

Read the following:-

- 1) G.O.Rt.No.111, PR&RD(E.IX) Deptt., Dt:024-01-2001.
- 2) Judgement of High Court, Dated: 09-12-2005 in Criminal Appeal No.214/1999.
- 3) G.O.Rt.No.1573, PR&RD Deptt., Dated: 02-11-2006.
- 4) From the Hon'ble APAT, Judgement dated 05-11-2008 in C.A. No.715/2007
- 5) Representation from Sri M.Venkataiah, Retd E.O., GPs., Ibrahimpatnam, R.R.District. Dated 20-04-2011.

--00--

ORDER :-

Sri M.Venkataiah, while working as Executive Officer, Gram Panchayats, Ghatkesar, Ranga Reddy District., (now retired) was trapped by the Anti-Corruption Bureau authorities when he demanded and accepted an amount of Rs.500/- as bribe from the complainant. Thereafter, Sri M. Venkataiah, Executive Officer was prosecuted in a court of law. On the filing of prosecution case by the Anti-Corruption Bureau authorities, the Additional Special Judge for SPE&ACB Cases-cum- V Additional Chief Judge, City Civil Court of Hyderabad in his judgement, dated: 18.1.1999 convicted and sentenced the Accused Officer Sri M. Venkataiah, Executive Officer (now retired). Accordingly, Government have issued orders withholding permanently 100% pension and DCRG in the reference 1st read above.

2. Aggrieved by the conviction and sentence awarded by the Addl., Special Judge, for SPE&ACB cases, Sri M.Venkataiah, Executive Officer (Retired) filed an appeal before the High Court during the year 1999 in Criminal Appeal No.214 of 1999. The High Court, in its order, vide reference 2nd read above, while allowing the appeal has set aside the conviction and sentence imposed by the Additional Special Judge for SPE&ACB Cases, Hyderabad.

3. The Government after examination of the matter issued orders in the G.O. 3rd read above, setting aside the orders issued in the G.O.1st read above and releasing the pensionary benefits to Sri M.Venkataiah, Executive Officer, (Retired), Ghatkesar, Ranga Reddy District duly withholding the pension/ provisional pension for the period from 24.1.2001 (i.e., consequent on conviction) to till the date of orders of High Court, Dated: 9.12.2005 and also that the suspension period cannot be treated as duty.

4. Aggrieved by the above orders, Sri M.Venkataiah E.O.(Retired) has filed O.A. No.715/2007 in the APAT and the Government has filed a detailed counter in the said O.A.

5. The Hon'ble APAT in its orders 4th read above allowed the O.A. and observed as follows:

“It is clear that the applicant was suspended on 6.4.1991 and in view of the orders passed by the Tribunal in O.A.No. 39732/1991, the applicant was reinstated into service on 23.1.1994 and subsequent to the reinduction of the applicant into service, the case of the applicant was deferred for promotion to the post of Extension Officer. The instructions issued by the Government in G.O.Ms.No.424 General Administration (Ser.C) Department dt.25.05.1976 make the point very clear

(PTO)

that when the criminal or disciplinary proceedings are pending against any officer, his case for promotion has to be deferred and his junior has to be promoted..

In view of the above, as the applicant was reinducted into service on 23.1.1994, his case stands deferred under G.O.Ms.No.424 General Administration (Ser.C) Department dt.25.5.1976, and in view of acquittal, the applicant is entitled to be promoted in accordance with the instructions of the Government issued in the aforesaid G.O. on par with his junior.

In view of the above, the applicant is entitled for promotion as Extension Officer (Pts) on par with his junior Sri P.Narayan Reddy, who was promoted in the year 1995 and the promotion orders should have been issued by the respondents themselves in view of his acquittal under G.O.Ms.No424 General Administration (Ser.C) Department, dated.25.5.1976.

6. In the representation 5th read above, Sri M.Venkataiah E.O. (Retd) has requested the Government for his notional Promotion and regularization of suspension period as duty as per the directions of the Hon'ble APAT.

7. The Government after a detailed examination of the matter have decided to implement the orders of APAT dated 05-11-2008 in O.A. No.715/2007. Accordingly, the Government hereby direct that Sri M.Venkatraiah, E.O. (Retd) shall be promoted from the date of promotion of his junior Sri P.Narayana Reddy and his period of suspension shall be treated as on duty.

8. The Commissioner of Panchayat Raj & Rural Employment is requested to take necessary further action in the matter and submit compliance report to the Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Individual, through Commissioner of Panchayat Raj & Rural
Employment, AP, Hyderabad.

The Commissioner of Panchayat Raj & Rural Employment, AP,
Hyderabad.

The Accountant General, AP, Hyderabad / The District Panchayat
Officer, Ranga Reddy District/ The Chief Executive Officer, Zilla Parishad,
Ranga Reddy District.

The Government Pleader for Services (Panchayat Raj & Rural Development),
High Court of AP, Hyderabad.

Copy to:

The District Treasury Officer, Ranga Reddy .District

The Sub Treasury Officer, Ibrahimpatnam, Ranga Reddy .District. The
Divisional Panchayat Officer, Hyderabad East,
Ranga Reddy District.

SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER